



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0645

Introduced 2/6/2009, by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-6	from Ch. 122, par. 24-6
105 ILCS 5/26-1	from Ch. 122, par. 26-1

Amends the School Code. In provisions concerning an employee's sick leave and compulsory school age exemptions, provides that when required, certain certificates may be issued by a chiropractic physician licensed in this State. Effective immediately.

LRB096 03183 NHT 13200 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 24-6 and 26-1 as follows:

6 (105 ILCS 5/24-6) (from Ch. 122, par. 24-6)

7 Sec. 24-6. Sick leave. The school boards of all school
8 districts, including special charter districts, but not
9 including school districts in municipalities of 500,000 or
10 more, shall grant their full-time teachers, and also shall
11 grant such of their other employees as are eligible to
12 participate in the Illinois Municipal Retirement Fund under the
13 "600-Hour Standard" established, or under such other
14 eligibility participation standard as may from time to time be
15 established, by rules and regulations now or hereafter
16 promulgated by the Board of that Fund under Section 7-198 of
17 the Illinois Pension Code, as now or hereafter amended, sick
18 leave provisions not less in amount than 10 days at full pay in
19 each school year. If any such teacher or employee does not use
20 the full amount of annual leave thus allowed, the unused amount
21 shall be allowed to accumulate to a minimum available leave of
22 180 days at full pay, including the leave of the current year.
23 Sick leave shall be interpreted to mean personal illness,

1 quarantine at home, serious illness or death in the immediate
2 family or household, or birth, adoption, or placement for
3 adoption. The school board may require a certificate from a
4 physician licensed in Illinois to practice medicine and surgery
5 in all its branches, a chiropractic physician licensed in this
6 State, an advanced practice nurse who has a written
7 collaborative agreement with a collaborating physician that
8 authorizes the advanced practice nurse to perform health
9 examinations, or a physician assistant who has been delegated
10 the authority to perform health examinations by his or her
11 supervising physician, or if the treatment is by prayer or
12 spiritual means, that of a spiritual adviser or practitioner of
13 such person's faith, as a basis for pay during leave after an
14 absence of 3 days for personal illness, or as it may deem
15 necessary in other cases. If the school board does require a
16 certificate as a basis for pay during leave of less than 3
17 days, the school board shall pay, from school funds, the
18 expenses incurred by the teachers or other employees in
19 obtaining the certificate.

20 If, by reason of any change in the boundaries of school
21 districts, or by reason of the creation of a new school
22 district, the employment of a teacher is transferred to a new
23 or different board, the accumulated sick leave of such teacher
24 is not thereby lost, but is transferred to such new or
25 different district.

26 For purposes of this Section, "immediate family" shall

1 include parents, spouse, brothers, sisters, children,
2 grandparents, grandchildren, parents-in-law, brothers-in-law,
3 sisters-in-law, and legal guardians.

4 (Source: P.A. 94-350, eff. 7-28-05; 95-151, eff. 8-14-07.)

5 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

6 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
7 custody or control of any child between the ages of 7 and 17
8 years (unless the child has already graduated from high school)
9 shall cause such child to attend some public school in the
10 district wherein the child resides the entire time it is in
11 session during the regular school term, except as provided in
12 Section 10-19.1, and during a required summer school program
13 established under Section 10-22.33B; provided, that the
14 following children shall not be required to attend the public
15 schools:

16 1. Any child attending a private or a parochial school
17 where children are taught the branches of education taught
18 to children of corresponding age and grade in the public
19 schools, and where the instruction of the child in the
20 branches of education is in the English language;

21 2. Any child who is physically or mentally unable to
22 attend school, such disability being certified to the
23 county or district truant officer by a competent physician
24 licensed in Illinois to practice medicine and surgery in
25 all its branches, a chiropractic physician licensed in this

1 State, an advanced practice nurse who has a written
2 collaborative agreement with a collaborating physician
3 that authorizes the advanced practice nurse to perform
4 health examinations, a physician assistant who has been
5 delegated the authority to perform health examinations by
6 his or her supervising physician, or a Christian Science
7 practitioner residing in this State and listed in the
8 Christian Science Journal; or who is excused for temporary
9 absence for cause by the principal or teacher of the school
10 which the child attends; the exemptions in this paragraph
11 (2) do not apply to any female who is pregnant or the
12 mother of one or more children, except where a female is
13 unable to attend school due to a complication arising from
14 her pregnancy and the existence of such complication is
15 certified to the county or district truant officer by a
16 competent physician;

17 3. Any child necessarily and lawfully employed
18 according to the provisions of the law regulating child
19 labor may be excused from attendance at school by the
20 county superintendent of schools or the superintendent of
21 the public school which the child should be attending, on
22 certification of the facts by and the recommendation of the
23 school board of the public school district in which the
24 child resides. In districts having part time continuation
25 schools, children so excused shall attend such schools at
26 least 8 hours each week;

1 4. Any child over 12 and under 14 years of age while in
2 attendance at confirmation classes;

3 5. Any child absent from a public school on a
4 particular day or days or at a particular time of day for
5 the reason that he is unable to attend classes or to
6 participate in any examination, study or work requirements
7 on a particular day or days or at a particular time of day,
8 because the tenets of his religion forbid secular activity
9 on a particular day or days or at a particular time of day.
10 Each school board shall prescribe rules and regulations
11 relative to absences for religious holidays including, but
12 not limited to, a list of religious holidays on which it
13 shall be mandatory to excuse a child; but nothing in this
14 paragraph 5 shall be construed to limit the right of any
15 school board, at its discretion, to excuse an absence on
16 any other day by reason of the observance of a religious
17 holiday. A school board may require the parent or guardian
18 of a child who is to be excused from attending school due
19 to the observance of a religious holiday to give notice,
20 not exceeding 5 days, of the child's absence to the school
21 principal or other school personnel. Any child excused from
22 attending school under this paragraph 5 shall not be
23 required to submit a written excuse for such absence after
24 returning to school; and

25 6. Any child 16 years of age or older who (i) submits
26 to a school district evidence of necessary and lawful

1 employment pursuant to paragraph 3 of this Section and (ii)
2 is enrolled in a graduation incentives program pursuant to
3 Section 26-16 of this Code or an alternative learning
4 opportunities program established pursuant to Article 13B
5 of this Code.

6 (Source: P.A. 93-858, eff. 1-1-05; 94-350, eff. 7-28-05.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.